

Jeffrey K. Rubin, AK Bar 8206061
e-mail: jrubin@frwlaw.us
FRIEDMAN, RUBIN & WHITE
1227 W. 9th Avenue, Second Floor
Anchorage, Alaska 99501
Telephone: 907-258-0704
Facsimile: 907-278-6449

Attorneys for Plaintiff

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

MARK R.M. HOLMSTRAND,

Plaintiff/Counter-Defendant,

vs.

NEW YORK LIFE INSURANCE
COMPANY, a foreign corporation, PAUL
REVERE LIFE INSURANCE COMPANY,
a Massachusetts Corporation,
UNUMPROVIDENT CORPORATION, a
Delaware Corporation (d/b/a, *inter alia*,
Paul Revere Life Insurance Company,
Unum Life Insurance Company, a Maine
Corporation, Provident Life and Accident
Insurance Company, a Tennessee
Corporation, and GENEX, a Pennsylvania
Corporation),

Defendants/Counter-Plaintiffs

and ROBERT LEIMGRUBER, an Alaska
Resident.

Defendant.

Case No. A05-0066 CV (JKS)

**NOTICE OF PENDING PARTIAL
SETTLEMENT**

COMES NOW plaintiff/counter-defendant, Mark R.M. Holmstrand, by and through his
attorneys and gives notice of the pending partial settlement of the above action. Plaintiff and
defendants/counter-plaintiffs New York Life Insurance Company, Paul Revere Life Insurance
Company and UnumProvident Corporation (d/b/a, *inter alia*, Paul Revere Life Insurance

Holmstrand v. New York Life, et al.
Notice of Pending Partial Settlement

Company, Unum Life Insurance Company, Provident Life and Accident Insurance Company and GENEX), have reached a settlement in this matter and the parties are working at finalizing settlement documents. Documents resolving the matters between these parties will be filed expeditiously upon completion of the settlement.

Because claims between the above enumerated parties have been resolved the court need not address the following pending matters:

1. Plaintiff's First Motion to Compel Production of Documents from Defendants New York Life, Paul Revere Life Insurance Company and UnumProvident Corporation (filed December 5, 2005);
2. Motion for Sanctions for Obstructing 30(b)(6) Depositions (filed December 5, 2005);
3. Motion for Protective Order Staying Plaintiff's First Motion to Compel Production of Documents (Dated December 20, 2005); and
4. Motion for Partial Summary Judgment on Bad Faith Claims (Dated December 20, 2005).

Dated this 5th day of January, 2006.

/s/ Jeffrey K. Rubin
 Jeffrey K. Rubin
 AK Bar No.8206061
 Friedman, Rubin & White
 Attorney for Mark R.M. Holmstrand

I certify that a true and correct copy of the foregoing document was served by U.S. Mail on Brewster Jamieson and Scott Hendricks Leuning this 5th day of January, 2006.

/s/ Jeffrey K. Rubin
 Jeffrey K. Rubin